

Application No.: 10/659816
Amendment dated: August 17, 2005
Reply to Office action of June 23, 2005

REMARKS/ARGUMENTS

This amendment cancels claims 31, 32, 34, 39, 40 and 42, incorporates the limitations of claims 31 and 32 into claim 28 and incorporates the limitations of claims 39 and 40 into claim 35. Claims 34 and 42 are cancelled because they are no longer necessary. Claims 33 and 40 are amended for better consistency with claims 28 and 35 respectively, but have not been changed in substance. Entry of the amendments is proper under 37 C.F.R. §1.116 (b)(1) and (2) in that they entail only the cancellation of claims or presentation of claims in better form for consideration on appeal.

Reconsideration of the final rejection is requested. To the extent that it applied to claims 31, 32, 39 and 40, the rejection relied upon Hoar for a teaching of a vertically adjustable bag carousel. Hoar's vertical adjustment, however, is expressly for the purpose of making the carousel capable of accommodating "two different heights of checkout counters" (Hoar, column 2, lines 49-50), in other words, to make a single carousel unit adaptable for installation in two different kinds of checkout counter assemblies, where they would remain at a suitable fixed height. Although it would be possible for the height of the Hoar carousel to be adjusted after installation in a checkout system having an extendible article support, there is nothing in Hoar that teaches making the carousel height adjustable to a sufficient extent to allow an extendible support (such as a conveyor) to be moved over the carousel through a space previously occupied by the carousel.

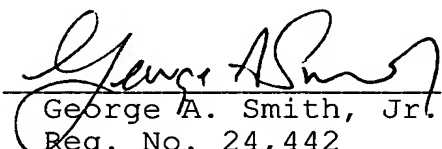
In short, Hoar only teaches the concept of making a bag carousel adjustable to accommodate different counters, but

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nothing in Hoar, or Wike (or Nguyen) suggests a checkout system in which a bag support is vertically movable downward, from an operative position to a stowed position; an extendible member having an article-supporting surface is extendible over a bagging module when the bag support is moved to its stowed position; and least part of the bag support, when in its operative position, occupies space which is occupied by the extendible member when the extendible member extends over the bagging module.

For the reasons set forth, the Applicants respectfully submit that the claims as presently amended define subject matter that is neither anticipated, nor shown to have been obvious, by the prior art, and request entry of the amendments and favorable reconsideration and allowance of this application.

Respectfully submitted,
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